

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In re: Vivian Woodbury Debtor Reverse Mortgage Solutions, Inc., as Servicer for Liberty Home Equity Solutions, Inc. (fka Genworth Financial Home Equity Access, Inc.) Movant v. Vivian Woodbury Debtor/Respondent William C. Miller, Esquire Trustee/Respondent	Bankruptcy No. 18-17999-amc Chapter 13 Hearing Date: December 3, 2019 Hearing Time: 11:00 a.m. Location: Courtroom #4 900 Market Street Philadelphia, PA 19107
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**REVERSE MORTGAGE SOLUTIONS, INC., AS SERVICER FOR LIBERTY HOME
EQUITY SOLUTIONS, INC. (FKA GENWORTH FINANCIAL HOME EQUITY
ACCESS, INC.)’S MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

Secured Creditor, Reverse Mortgage Solutions, Inc., as Servicer for Liberty Home Equity Solutions, Inc. (fka Genworth Financial Home Equity Access, Inc.) by and through the undersigned counsel, hereby moves this Court, pursuant to 11 U.S.C. § 362(d), for a modification of the automatic stay provisions for cause, and, in support thereof, states the following:

1. Debtor, Vivian Woodbury, (“Debtor”), filed a voluntary petition pursuant to Chapter 13 of the United States Bankruptcy Code on December 3, 2018.
2. Jurisdiction of this cause is granted to the Bankruptcy Court pursuant to 28 U.S.C. § 1334,

11 U.S.C. § 362(d), Fed. R. Bankr. P. 4001(a), and all other applicable rules and statutes affecting the jurisdiction of the Bankruptcy Courts generally.

3. On April 24, 2009, Vivian Woodbury executed and delivered an Adjustable Rate Home Equity Conversion Note (“Note”) with a maximum principal amount up \$150,000.00. A true and correct copy of the Note is attached hereto as Exhibit “A.”

4. The Note was secured by a Reverse Mortgage (“Mortgage”), which was recorded on May 11, 2009 as Instrument Number 52061871 of the Public Records of the City of Philadelphia, Pennsylvania. A true and correct copy of the Mortgage is attached hereto as Exhibit “B.”

5. The Mortgage was secured as a lien against the property located at 6320 Cherokee Street, Philadelphia, PA 19144, (“the Property”).

6. Based upon the Debtor’s Amended Chapter 13 Plan (Docket No. 44), the pre-petition arrearage is being paid through the Plan. A true and correct copy of the Amended Chapter 13 Plan is attached hereto as Exhibit “C”

7. Although there are no regular monthly payments due on a Reverse Mortgage, the debtor is
required to maintain property taxes and insurance.

8. As of October 9, 2019, Debtor has failed to make post-petition property tax payments in the amount of \$1,819.29.

9. Secured Creditor paid them on August 29, 2019. See Exhibit “D”

10. Thus, Debtor’s post-petition arrearage totaled the sum of \$1,819.29.

11. Under Section 362(d)(1) of the Code, the Court shall grant relief from the automatic stay for “cause” which includes a lack of adequate protection of an interest in property. Sufficient “cause” for relief from the stay under Section 362(d)(1) is established where a debtor has failed

to make installment payments or payments due under a court-approved plan, on a secured debt, or where the Debtor(s) have no assets or equity in the Mortgaged Property.

12. As set forth herein, Debtor has defaulted on her secured obligation as she has failed to make the required tax payments.

13. As a result, cause exists pursuant to 11 U.S.C. § 362(d) of the Code for this Honorable Court to grant relief from the automatic stay to allow Reverse Mortgage Solutions, Inc., as Servicer for Liberty Home Equity Solutions, Inc. (fka Genworth Financial Home Equity Access, Inc.), its successor and/or assigns to pursue its state court remedies, including the filing of a foreclosure action.

14. Additionally, once the stay is terminated, the Debtor will have minimal motivation to insure, preserve, or protect the collateral; therefore, Secured Creditor requests that the Court waive the 14-day stay period imposed by Fed.R.Bankr.P. 4001(a)(3).

WHEREFORE, Secured Creditor, prays this Honorable Court enter an order modifying the automatic stay under 11 U.S.C. § 362(d) to permit Reverse Mortgage Solutions, Inc., as Servicer for Liberty Home Equity Solutions, Inc. (fka Genworth Financial Home Equity Access, Inc.), to take any and all steps necessary to exercise any and all rights it may have in the collateral described herein, to gain possession of said collateral, to seek recovery of its

reasonable attorneys' fees and costs incurred in this proceeding, to waive the 14-day stay imposed by Fed.R.Bankr.P. 4001(a)(3), and for any such further relief as this Honorable Court deems just and appropriate.

Respectfully Submitted,

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